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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,399

02/10/2004

Benjamin Arnette Lagrange

839-1433

9855

30024

7590

12/18/2008

NIXON & VANDERHYE P.C.

901 NORTH GLEBE ROAD, 11TH FLOOR

ARLINGTON, VA 22203

EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

12/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/774,399	LAGRANGE ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER VERDIER	3745	

All Participants:

Status of Application: Abandoned

(1) EDWARD LOOK.

(3) _____

(2) CHRIS COMUNTZIS, Reg. #31,097.

(4) _____

Date of Interview: 16 December 2008

Time: 1:00 pm

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

none

Claims discussed:

none

Prior art documents discussed:

none

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Edward K. Look/

Supervisory Patent Examiner, Art Unit 3745

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Mr. Comuntzis had called SPE Look on 12/11/08 and requested that he review the examiner's Office action dated 12/9/08 which dismissed the appeal and abandoned the application. After a thorough review of the application, Mr. Look called Mr. Comuntzis on 12/16/08 and told him that there was no error in the examiner's action.

Mr. Comuntzis argued the following two points: 1) the application was abandoned prematurely because applicant still had the option of filing for extensions of time to extend the response period; and 2) the examiner's requirement that reference numerals be placed adjacent to the claim limitations was met because claim limitations does not mean claim elements and that to put the reference numerals next to each claimed element would overly burden the appeal brief.

Regarding point #1, Mr. Look explained that extensions of time are proper to extend the time for response. In this case, since the response was timely filed on 9/11/08, the use of an extension of time after the response was made would be inappropriate.

Regarding point #2, Mr. Look explained that a claim limitation is the same as a claim element. Furthermore, the appeal brief would not be overburdened because the same number of characters for the reference numerals would be used and the difference would be that the reference numerals would be immediately adjacent to each claim limitation.